

DEC 12 2005**NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****FOR THE NINTH CIRCUIT****UNITED STATES OF AMERICA,****Plaintiff - Appellee,****v.****GARY GREGORY GRAHAM,****Defendant - Appellant.****No. 03-50472****D.C. No. CR-02-01295-PA-1****MEMORANDUM***

**Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding**

Submitted December 5, 2005**

Before: GOODWIN, W. FLETCHER and FISHER, Circuit Judges.

Gary Gregory Graham appeals from his guilty-plea conviction and 30-month sentence for conspiracy, in violation of 18 U.S.C. § 371, and delivery of treasury checks, in violation of 18 U.S.C. § 510(b).

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Graham has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Graham has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to *Person v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw as counsel on appeal is denied.

The conviction is **AFFIRMED**, and the sentence is **REMANDED**.